

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

CINDY JOHNSON,	)	CASE NO. 1:07 CV 2474
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
UNIVERSITY HOSPITAL CASE MEDICAL	)	<u>AND ORDER</u>
CENTER, et al.,	)	
	)	
Defendants.	)	

This in forma pauperis action was filed on August 15, 2007 by plaintiff Cindy Johnson against University Hospital Case Medical Center, Robert Schilz, and Edward Michelson. Plaintiff filed a Motion to Amend Complaint on August 22, 2007, and attached an Amended Complaint, which added four defendants. As no answer has been filed, leave to amend is not required. Fed.R.Civ.P. 15(a). Accordingly, the court herewith evaluates the amended complaint. For the reasons stated below, this action must be dismissed pursuant to 28 U.S.C. § 1915(e).

The amended complaint alleges plaintiff's mother, Cassalean Johnson, was subjected to negligent medical treatment by defendants in a series of events from February 2007 to April 2007, and that Cassalean Johnson died in the medical intensive care unit

at University Hospital on April 10, 2007.

Although pro se pleadings are liberally construed, Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam); Haines v. Kerner, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319 (1989); Lawler v. Marshall, 898 F.2d 1196 (6th Cir. 1990); Sistrunk v. City of Strongsville, 99 F.3d 194, 197 (6th Cir. 1996).

This action lacks an arguable basis in law. There are no facts set forth in the complaint suggesting a proper basis for this court's jurisdiction, as the parties are all located in Ohio and no federal statute is implicated by plaintiff's claim. This action is therefore appropriately subject to dismissal summary dismissal. Lowe v. Hustetler, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, the application to proceed in forma pauperis is granted and this action is dismissed pursuant to 28 U.S.C. § 1915(e). The dismissal is without prejudice to any valid state law claim plaintiff may have under the facts alleged. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/Dan Aaron Polster 9/10/07  
DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE